

sick. Her shoes were wet; dress not observed, her folks were eating breakfast."

Cross Examination "The shoes were women's shoes, were by the bed, couldn't swear whose they were. James Melton is a shoemaker. I knew the general character of prisoner, which in the army I was in the same company and regiment. His character was good as a soldier, and as a truthful man, also as a peaceable man, while at home and it was good for honesty.

"I remember Pauline Foster meeting Dula one night near the road. I also remember her spending the night with him in the woods, I was with them."

John Atkins testified, "I went after Thomas Dula into Tennessee about a month after the disappearance of Laura Foster. He said he had changed his name to Hall while in Watauga County, that he did it in fun."

Colonel Isbell (recalled by the state) testified, "I was at the grave at the time of its discovery; my father-in-law was with me; it was made as follows: Pauline Foster was arrested and while in jail gave substantially the same statement which she had made here today. In consequence of the disclosure made by her she was taken out of jail. We went with her to the ridge, came to the log, saw where dirt had been removed. This is the spot where she stated she stopped following Ann Melton. After half an hour's search, we found the grave, 75 yards from this place. The earth had been carried away and sod replaced it escaped our observation until my companion's horse snorted and gave signs of smelling something. We then searched narrowly about the spot, and by probing the ground discovered the grave. After taking out the earth, I saw the prints of what had appeared to have been a Mattach on the hard side of the grave. The flesh was off the face. The body had on a checked cottong dress, a dark colored cloak or bodice. There was a bundle of clothes laid on her head; there was also a small breast pin I noticed. In a former search we made about Bate's place we found a rope around a dogwood tree, 75 yards from the road, in the bushes. We also saw another place where there were signs of a horse having been hitched;